

REMARKS

Original claims 1-17, and previously presented claims 18-28 are pending. New dependent claims 29 -32 are presented for examination.

The Rejections of Claims 1-19 Remain Unsupported

All of the claims 1-19 have been rejected as obvious in view of Greanias et al (U.S. Pat. No. 5,007,085 hereafter "Greanias") in view of Inoue et al (U.S. Pat. No 5,831,600 hereafter "Inoue") in further view of Smith III (U.S. Patent 5,466,158). These rejections are identical to the rejections of the same claims in the previous Office Action mailed April 18, 2007. Applicant incorporates by reference herein in their entirety, the arguments made over pages 9-14 of Applicant's SECOND AMENDMENT filed July 23, 2007 by mail in response to the April 18, 2007 Office Action.

All these rejections hinge upon the examiner's proposed combination of Inoue with Greanias. The examiner's latest response has incorrectly characterized Applicant's argument. For the third time, the invention of Greanias is a sensor with interactive stylus. No matter how desirable the finger operated sensor of Inoue may be, any attempt to substitute a person's finger for the interactive stylus of Greanias would necessarily and improperly change the basic principles under which the Greanias device was designed to operate. *In re Ratti*, 123 USPQ 349, 352 (CCPA 1959). As of today, *Ratti* is still recognized as controlling case law in the US PTO under "MPEP 2143.01 Suggestion or Motivation to Modify the References". The US PTO has determined that a proposed combination that would necessarily change the basic principles under which a primary reference operates is improper and does not support a *prima facie* case of obviousness. The rejections should be withdrawn and claims 1-19 allowed or the examiner should explain why his combination is distinguished from the holding in *Ratti*. The examiner's latest response does not do so.

In fact, the examiner's latest response refers to the teaching of the present invention to justify the combination. The examiner argues "... applicant clearly states that the interactive book reading system (of applicant's invention) may be used as a learning device for non-reading children." Motivation is supposed to come from the prior art, not applicant's description of the

benefits of his own invention. The examiner's comments are further evidence that the examiner is basing his rejection on hindsight rather than actual teachings and/or suggestions of the prior art.

Finally, the proposed combination from the examiner is specifically to substitute a person's finger from Inoue for the interactive styli disclosed in Greanias. The Greanias device is totally inoperative to locate a person's finger on the overlay 20 of Greanias. Unless the laws of physics are suspended, a person's finger will not generate and transmit a signal upon receipt of (i.e. exposure to) a signal transmitted from the matrix of conductors 70, 72 of the Greanias device 10, let alone transmit it as an infrared signal 78 as does the first embodiment stylus 60 of Figs. 1-5 of Greanias. Nor would a person's finger generate and transmit its own RF signal as does the second embodiment stylus 160 of Figs. 6-8 of the Greanias device, let alone one that would be received by the conductors of the Greanias device acting as antennae so as to locate the finger.

The prior art can be modified or combined to reject claims as *prima facie* obvious as long as there is a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986); MPEP §2143.02. The laws of physics do not support ANY chance of success let alone a reasonable chance of success for the combination proposed by the examiner.

The third reference, Smith III, still is not relied upon to teach or suggest anything which would lend support to the combination of Greanias with Inoue as proposed by the Examiner. Accordingly, the combination remains unsupported.

The Rejections of Dependent Claim 2 and Claims 3-12 Depending Directly or Indirectly Therefrom and Claims 15-17 Are Further Unsupported For At Least the Following Additional Reason

Claim 2 depends from Independent Claim 1 and further calls for the scanning circuit to comprise a matrix of conductive lines arranged as spaced apart columns and spaced apart rows:

....wherein for each specific column conductive line:

(i) an RF signal is input into the specific column conductive line according to a predetermined input sequence as directed by a first coordinated control signal (655) outputted by the control circuit (610), and

(ii) coupled RF signals received from the specific column conductive line by the plurality of row conductive lines are outputted according to a

predetermined output sequence as directed by a second coordinated control signal (660) **outputted by the control circuit** (610).

Method claim 15 depends from independent method claim 14 and calls for, in pertinent part, a substantively identical set of limitations presented as steps:

...

(a)(i) inputting an RF signal into a specific one of the plurality of column conductive lines according to a predetermined input sequence;

(a)(ii) outputting coupled RF signals received from the specific column conductive line by the plurality of row conductive lines according to a predetermined output sequence; and

(a)(iii) repeating steps (a)(i) and (a)(ii) for each of the column conductive lines.

Applicant's arguments against the rejections from applicant's SECOND AMENDMENT, covering pages 9-14 of the SECOND AMENDMENT, have already been incorporated above into these remarks.

One point of Applicant's argument bears repeating because it does not require contesting the examiner's proposed combination and it does relate specifically to the examiner's own statement. The examiner's statement of the rejections of these claims based upon the proposed combination, even with the finger substitute of Inoue proposed by the examiner, is insufficient on its face. The proposed combination is **not** configured in the manner expressly claimed. In no embodiment of Grenias is any RF signal transmitted from any conductive line of the Greanias matrix and that signal received in any other conductive line of the Greanias matrix and outputted to any control circuit. Signals are either received by and outputted from those lines (first Greanias embodiment) or transmitted from the conductive lines (second Greanias embodiment), but not both. The examiner's statement of the proposed combination on Page 3 of pending Office Action conveniently ignores what is claimed to receive and output the signal received from the specific column conductive line, namely the other row conductive lines of the matrix. Thus, the examiner has not identified a combination that meets all of the claim limitations as is required to establish a *prima facie* case of obviousness. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); MPEP § 2143.03. The rejections of claims 2-12 and 15-17 are further insufficient on their face for at least this second reason.

The Rejections of Claims 20-28 Are Unsupported

The examiner's proposed combination of Greanias with Bisset et al. (US 5,825,352 hereafter "Bisset") in further view of Smith III is unsupported for all of the reasons set forth above and in Applicant's remarks in the SECOND AMENDMENT filed July 23, 2007, contesting the combination of Greanias with Inoue. Those previous arguments are all incorporated by reference herein with respect to these rejections of claims 20-28 and merely require the substitution of Bisset for Inoue. In sum, the fingers disclosed in Bisset as a substitute for the styli of Greanias would change the principles of operation of Greanias and would, in any event, be unable to work in Greanias. Smith III adds nothing to the Greanias – Bisset combination that would in any way support that combination.

The Rejections of Claim 20-22, 24-26 and 28 Are Further Unsupported For At Least the Following Additional Reason

The rejection of claims 20-22, 24-26 and 28 are further traversed, in particular, on the ground that even if the combination were made, the combination does not included a control system "configured to select from among a plurality of possible human finger presences sensed simultaneously ..., a single most northern possible human finger presence as the probable user input" as required by claims 20-22 and 28 or the step of "selecting from among the plurality of possible human finger presences detected simultaneously ..., a single most northern point of detected RF filed entry as the probable user input" as required by claims 24-26. In the rejection of these claims, the examiner states that Bisset does not teach "selecting the most northern finger" (or point for that matter). The examiner apparently relies upon "such technology ... (being) known in the industry (e.g. multiplexer)." The examiner's reliance upon some type of identified multiplexer as being the technology or part of the technology is unsupported and Applicant traverses such assertion. Until prior art is presented having that capability, these rejections are unsupported.

New Claims 29-32

New dependent claims 29 - 32 are presented for examination and further distinguish over Greanias in all of the combinations of Greanias proposed by the examiner.

The present invention works by transmitting and collecting and operating upon an RF signal of a predetermined frequency (100K in the preferred embodiment of the present invention). See paragraphs [0047] and [0051]. Each of the embodiments of Grenias utilizes two

different frequencies, one to excite the matrix array for location sensing and one to transmit detected information back to the processor. Claims 29 and 30 call for the transmitted/inputted and received/outputted signals to be of the same predetermined frequency.

The described preferred embodiment of the present invention further works, in part, by storing each of the received RF signals from each of the column conductive lines for each row conductive line and then comparing the stored signals with subsequently received signals from the same row conductive line-column conductive line pairs to locate a detected human figure with respect to the matrix. Claim 31 claims that configuration and claim 32 claims that method.

Conclusion

For the foregoing reasons, reconsideration to withdraw of all the rejections of claims 1-28, examination of new claims 29-32 and allowance of the application and all currently pending claims 1-32 are respectfully requested.

Respectfully submitted,

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